

a first connecting bolt extending through the holes in the finger gauges, the first connecting bolt holding the gauges in side by side alignment.

26. (Newly added) The adjustable back fence of claim 25 wherein each of the at least three relatively thin finger gauges are each one third the thickness of one of the relatively thick finger gauges.

27. (Newly added) The adjustable back fence of claim 25 further comprising:

a second connecting bolt;

a pair of plates located on opposed sides of the finger gauges, the pair of plates attached to and pivoting about the first connecting bolt, the pair of plates having holes at one end to allow the second connecting bolt to pass therethrough; and

a block located between the pair of plates at one end of the finger gauges, the block having a hole extending entirely through the block, the hole in the block holding the second connecting bolt whereby the block pivots about the second connecting bolt.

REMARKS

Claims 4, 11, 13 and 14 have been amended, claims 11 and 15 deleted without prejudice and claims 16 – 27 added. Claims 4 and 11, 13, 14 and 16 – 27 remain pending in the application. The Examiner is respectfully requested to re-examine the pending claims and thereafter allow the claims.

Claims 16 – 27 have been added claiming subject matter disclosed but not previously claimed. Support for these claims is found in Figures 30 through 32 and in the specification on pages 17 lines 14 – 26. In particular, claim 21 is the combination of subject matter disclosed and claimed in claims 4, 13 and 14. No new matter has been added.

The drawings stand objected to for failing to comply with the requirements of 37 C.F.R. 1.84(p)(5) for a variety of stated reasons. Replacement drawings for Figures 1 – 31 are included herewith, all of which include numbering of the drawing pages (e.g., 1/17, etc.). Further, amended Figures 3, 18, 20, 29, 30 and 31 are submitted herewith to address the Examiner's objections. In particular, Figures 30 and 31 have been amended to replace "106" with -160-. This problem appeared as a result of a typographical error. Figures 18, 20 and 29 have been amended to correct the representation of the symbols for view angles 24-24, 25-25, 26-26, 27-27 and 28-28 to correspond to the representation of view angles 22-22 in, for example, Figures 18, 20 and 29.

Further, Figure 3 has been amended to include a lead line for reference character 64'. With respect to the Examiner's objection to reference number 86 not being shown in the drawings, the Examiner is respectfully directed to Figure 17. With respect to the Examiner's objection to reference number 110 not being shown in the drawings, Figure 18 has been amended to include the reference number 110 with its corresponding lead line.

Regarding the Examiner's objection to the use of the reference character 100, the specification has been amended to clarify the multiple uses of this reference number. Further, the specification has been amended on page 21 to add the reference number 100 and its corresponding description.

The specification has been amended as requested by the Examiner

Claims 4 and 11 – 13 stand objected to for not having the required form. With the current amendments, it is respectfully submitted that the Examiner's objections are traversed.

Claims 11 – 14 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. It is respectfully submitted that the claims as amended traverse this rejection. The Examiner is respectfully requested to reexamine the claims as amended.

Claims 4, 11 – 15 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. It is respectfully, submitted that with the present amendments, the Examiner's rejection is traversed.

Claim 4 stands rejected under 35 U.S.C. 102 as being anticipated by Goodell (US Pat. No. 4,481,846). The Examiner states that Goodell discloses an adjustable fence (10) for work piece milling on a wood shaper, router table and table saw comprising an adjustable horizontal member (25) attached to an indexing system (Fig. 2), a plurality of adjustable connections (19, 20, 21 and 23), an indexing system (Fig. 2) and means for cutting (B). With respect to Goodell, the Examiner's attention is drawn to the fact that the present claims are directed to "an adjustable back fence." As shown in the attached pages from Shaper Handbook by Roger W. Cliffe and Michael J. Holtz, (Figure 6-28 and described on pages 130), a back fence is a stationary fence placed a distance from the cutting tool of a wood working machine where the stock is moved

between the stationary fence and the moving cutter. In most applications, the back fence may be used with an ordinary fence that is placed near the moving cutter (such as the fence 10 of Goodell). Because Goodell does not teach or suggest a back fence, it is respectfully submitted that Goodell does not anticipate the claimed invention. Also, because Goodell does not recognize the problem solved by using a back fence, it is respectfully submitted that Goodell does not render the present invention obvious.

Claim 4 stands rejected under 35 U.S.C. 102 as being anticipated by Jukoff et al. While Jukoff et al. arguably discloses a back fence, there is no teaching or suggestion to use “at least one spacer” to hold a horizontal member “a distance from a desired part of the woodworking machine”. Instead, Jukoff et al. uses a “traverse adjustment assembly 42 movable in transverse direction 34 for adjusting the position of positioning member 28 in transverse direction 34” (Col. 6, lines 30 – 32) As described in the specification at col. 7, line 52 – col. 8, line 16 and as shown in Figure 7, traverse adjustment assembly 42 is described as:

“Transverse adjustment assembly 42 includes a first abutment 104 in the form of an L-shaped bracket fixed to the lower surface of first guide track 44 for engaging one transverse side 18 of work table 12 and a second abutment 116 for engaging the opposite transverse side 20 of work table 12.

In order to lock first and second abutments 104 and 116 against work table 12, and thereby releasably lock positioning member 28 in a desired transverse position, a transverse release locking device 105 includes an overcenter clamp 106 fixed to the lower surface of second guide track 46, with overcenter clamp 106 having a handle 108 pivotally secured to a linkage 110 that is slidably mounted to the lower surface of second guide track 46 by a holder 112. A threaded rod 114 is threadedly secured to the end of linkage 110, and second abutment 116 is secured to the opposite end of threaded rod 114.

With this arrangement, threaded rod 114 is turned so as to move second abutment 116 closer to or farther away from handle 108 in lengthwise direction 27. This is performed until abutments 104 and 116 loosely abut against transverse sides 18 and 20 of work table 12. Then, handle 108 is pivoted to a closed position, thereby moving threaded rod 114 away from it, whereby first and second abutments 104 and 116 tightly engage tabletop 14. In this manner, positioning member 28 can be moved toward or away from workpiece 24, and be secured in a desired transverse position.” (Col. 7, line 52 – col. 8, line 16)

As can be seen, this embodiment of the Jukoff et al. invention positions the traverse adjustment assembly 42 on the work table 12 by pinching the work table 12 between the first abutment 104 and the second abutment 116. A variant of this embodiment is disclosed by Jukoff et al. at col. 12, lines 29 – 43 and shown in Figure 17 as:

“The combination workpiece positioning and anti-kickback device of FIGS. 13-19 also includes a transverse adjustment assembly 42. In this embodiment, the transverse adjustment assembly 42 includes transverse releasable locking devices 105 which include first and second clamping devices 326 which are respectively coupled to and near respective ends of the second and third lengthwise adjustment members and corresponding ends of the work table 12. In order to secure the transverse position of the lengthwise adjustment assembly 40, the first and second clamping devices 326, which preferably include a knob 328 having a threaded member 330 are tightened. This secures the transverse position of the lengthwise adjustment assembly on the work table.”

This embodiment of the Jukoff et al. invention positions the traverse adjustment assembly 42 on the work table 12 by pinching the work table 12 between the first and second clamping devices 326. Neither of these embodiments teach or suggest using spacers to position the positioning member 28 on the work table 12 with respect to the moving cutter. As a result, Jukoff et al. does not anticipate the presently claimed invention or render the presently claimed invention obvious.

The Examiner has rejected the former claim 14 as being obvious over Jukoff et al. in view of Duginske (US Patent No. 5,617,909). But, Duginske does not teach or suggest the use of spacers as is required by the present claims. As a result, it is respectfully submitted that the combination of Jukoff et al. and Duginske does not teach or suggest or render the presently claimed invention obvious.

The Examiner has cited Hylton (US Patent No. 6,237,658) in the Notice of References Cited. Hylton discloses “a guide apparatus for workpieces being run through machines” which includes a “lateral restraining bar means 20” that is a back fence. In particular, Hylton discloses:

“The apparatus, in one embodiment comprises frame means having a pair of elongated support rail means 23 and 27 having slide axes 25 and 28 respectively adapted to be oriented substantially normal to said cutting axis. Attachment means 26 comprising brackets 29 are provided on said rail means for attaching said rail means to said machine. The brackets are formed with slots 30 which intersect with

slots 31 in the rails, and bolt means 32, preferably carriage bolts with wing nuts 33, are mounted thru the slots. These brackets are held onto the work surface by any quick release means including C-clamps 34 or the like. An elongated lateral restraining bar means 20 having a workpiece contact surface 21 is slidably, adjustably mounted on said rail means for positioning laterally of said tool by bolt means 35 threaded into the ends of 20 and slidable in slots 31 or other such cooperating horizontal slide elements on said rail means and said bar means for allowing said bar means to be moved laterally toward and away from said cutting axis and locked into position to provide a gap 24 between said fence and contact surface 21 whereby a workpiece 16 can be slid thru said gap with precision regulated lateral clearance and with precision regulated positioning with respect to said fence.” (Col. 2, lines 19 – 39) (Emphasis added.)

But, Hylton does not teach or suggest using spacers to position the lateral restraining bar means 20 on the work surface with respect to the moving cutter. As a result, Hylton does not anticipate the presently claimed invention or render the presently claimed invention obvious.

The Examiner has also cited Budd (US Patent No. 2,668,568) in the Notice of References Cited. Budd discloses tool “usable for planing, beveling and cutting of plastic materials.” (Col. 1, lines 1 – 3). The Budd invention does not appear to disclose a back fence. Further, the Budd device appears to disclose a clamping device 20 that clamps the plastic piece being worked. (Col. 3, lines 32 – 34). As a result, it does not appear the Budd anticipates nor renders obvious the claimed invention.

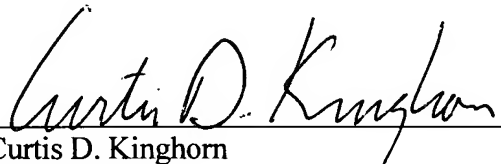
None of the cited references, singly or in combination, teach or suggest the use of spacers for precisely positioning a back fence on a work surface with respect to a moving cutter. Therefore, the cited references do not anticipate or suggest the invention claimed in claim 4. Because claims 11, 13 and 14 depend from and further limit what is believed to be allowable claim 4, it is respectfully submitted that claims 11, 13 and 14 are also in condition for allowance.

In view of the foregoing, it is respectfully submitted that claims 4 and 11, 13 and 14 are in condition for allowance. The Examiner is requested to re-examine claims 4 and 11, 13 and 14 and thereafter allow the claims. Should the Examiner find it useful, the Examiner is requested to contact the undersigned at (651) 484-1032 with any questions or comments she may have.

Respectfully submitted,

Applicant

Dated: Dec. 22, 2005


Curtis D. Kinghorn
Reg. No. 33,926
6769 W. Shadow Lake Dr.
Lino Lakes, MN 55014
Telephone: (651) 484-1032